



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
601 E 12TH STREET
KANSAS CITY MO 64106-2824

WENF JAN 20 2015

January 16, 2015

Regulatory Branch
(NWK-2014-00195)

Ms. Diane Huffman
Chief, Water Enforcement Branch
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219

RE: Violation Case NWK-2014-00195 - Black Tea Oil L.L.C.

Dear Ms. Huffman:

Pursuant to communications with Ms. Delia Garcia of your staff concerning the referenced Black Tea Oil L.L.C. Clean Water Act violation case, we are forwarding the original case file to the Environmental Protection Agency for appropriate action. The violation consists of the unauthorized placement of fill material into and below the ordinary high water mark of the Smoky Hill River to facilitate oil drilling activities. The activity is located in the Smoky Hill River in Sections 27, 28, & 29, Township 14 south, Range 32 west, in Logan County, Kansas. A list of the file contents is enclosed.

This transfer is in accordance with our March 24, 2009, Field Level Agreement and the January 19, 1989, Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency concerning Federal Enforcement for the Section 404 Program of the Clean Water Act and our regulations at 33 C.F.R. Part 326.

Concurrently with this letter, we are notifying Mr. Leiker, Black Tea Oil L.L.C. of this action and that we have closed this case. We remain ready to assist you in this action, and request that you keep us informed of any actions taken.

If you have any questions concerning this matter, please feel free to write me or call my Regulatory Enforcement Coordinator, Mr. David Hibbs at 816-389-3136.

Sincerely,



Mark Frazier
Chief, Regulatory Branch
Operations Division

Copy Furnished (electronically w/o enclosures):

Ms. Delia Garcia, EPA Region 7, Water Enforcement Branch

Original Documents in Official File 2014-00195 for Transfer to EPA:

<u>DATE</u>	<u>No. Pages</u>	<u>Document Description</u>
11 Feb 2014	6	Email from KDHE Doug Schneweis
13 Feb 2014	25	Five emails from KDHE Doug Schneweis
18 Feb 2014	2	COE General Inquiry Letter to Black Tea Oil
19 Feb 2014	2	Initial Complaint Report
19 Feb 2014	1	Telephone Conversation Record with Gerald Achatz
21 Feb 2014	1	Email from Tom Schumann on Arid Region OHWM
24 Feb 2014	4	USGS info for Smoky Hill River at Elkader, KS
27 Feb 2014	9	DRAFT Approved Jurisdictional Determination
21 Mar 2014	1	Disposition of Complaint Report
15 Apr 2014	2	Email from KCC Litigation Counsel
18 Apr 2014	56	Field Investigation Report
23 May 2014	1	Email from Mr. David Hibbs to Ms. Diane Huffman requesting EPA review the case
28 May 2014	2	Notice of Violation Letter to Black Tea Oil
04 Jun 2014	2	Email from Hibbs, COE to Garcia, EPA
20 Aug 2014	3	Email from Hibbs, COE to Garcia, EPA on OHWM
22 Aug 2014	3	Email from Trier, COE to Garcia, EPA on CFS and gage data
03 Sep 2014	2	Email from Cory, COE to Garcia, EPA on additional work and proposed work by Black Tea Oil
07 Oct 2014	1	Telephone conversation Record between Black Tea Oil and Corps
06 Nov 2014	1	Email from Steve Whetzel, COE on proposed work by Black Tea Oil at other locations

24 Nov 2014	2	EPA email informing the Corps the EPA will take the lead on this enforcement case
24 Nov 2014	2	COE email response on case transfer plan and Luke Cory retirement status
16 Jan 2015	1	Corps letter to Mr. Leiker (Black Tea Oil L.L.C.) on case transfer to EPA
16 Jan 2015	3	Corps letter to EPA officially transferring the case file